

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

P E #3

Applicants: Chen et al.



Serial No. 10/511,636

Filed: October 18, 2004

For: Ophthalmic Compositions for Treating Ocular Hypertension

Art Unit: To be AssignedExaminer: To be Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By

Date

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

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Date: February 16, 2005

Substitute for form 1449A/PTO

COMPLETE IF KNOWN

**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

Application Number 10/511,636
 Filing Date October 18, 2004
 First Named Inventor Chen
 Group Art Unit To be Assigned
 Examiner Name To be Assigned
 Attorney Docket Number 21101YP

Sheet 1 of 2

(Use as many sheets as necessary)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
	1.	4,386,098		Woltersdorf, Jr. et al.	05/31/1983
	2.	4,416,890		Woltersdorf, Jr. et al.	11/22/1983
	3.	4,426,388		Woltersdorf, Jr. et al.	01/17/1984
	4.	4,668,697		Shepard et al.	05/26/1987
	5.	4,863,922		Baldwin et al.	09/05/1989
	6.	4,797,413		Baldwin et al.	01/10/1989
	7.	5,378,703		Dean et al.	01/03/1995
	8.	5,240,923		Dean et al.	08/31/1993
	9.	5,153,192		Dean et al.	10/06/1992
	10.	4,824,857		Goh et al.	04/25/1989
	11.	4,883,819		Bito	11/28/1989
	12.	5,001,153		Ueno et al.	03/19/1991
	13.	4,599,353		Bito	07/08/1986
	14.	5,573,758		Adorante et al.	11/12/1996
	15.	5,925,342		Adorante et al.	07/20/1999

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	16.	PCT	WO 89/10757	A1	Leo Pharmaceutical Products Ltd.	11/16/1989
	17.	PCT	WO 94/28900	A1	Vide Pharmaceuticals	12/22/1994
	18.	PCT	WO 96/33719	A1	Allegan	10/31/1996
	19.	PCT	WO 04/037786	A2	Merck Frosst Canada & Co.	05/06/2004
	20.	PCT	WO 04/004717	A2	Merck & Co. Inc.	06/12/2003
	21.	PCT	WO 03/103664	A1	Merck Frosst Canada & Co.	12/18/2003
	22.	PCT	WO 04/019938	A1	Merck Frosst Canada & Co.	03/11/2004
	23.	PCT	WO 04/085430	A1	Merck Frosst Canada & Co.	10/07/2004

Examiner Signature

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(as many sheets as necessary)

COMPLETE IF KNOWN

Application Number	10/511,636
Filing Date	October 18, 2004
First Named Inventor	Chen
Group Art Unit	To be Assigned
Examiner Name	To be Assigned
Attorney Docket Number	21101YP

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of

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	24.	A. M. Harmon et al., "Development and Aging of Cell Topography in the Human Retinal Pigment Epithelium", 1997, pp. 2016-26, Vol. 38, No. 10, Invest. Ophthalmol. Vis. Sci.
	25.	R. A. Schumer et al., "Nerve of Glaucoma!", 1994, pp. 37-44, Vol. 112, Arch Ophthalmol.
	26.	L. Dandona et al., "Selective Effects of Experimental Glaucoma on Axonal Transport by Retinal Ganglion Cells to the Dorsal Lateral Geniculate Nucleus", 1991, pp. 1593-1599, Vol. 32, No. 5, Investigative Ophthalmology & Visual Science.
	27.	K. Cardwell et al., "Methods for Indole Alkaloid Synthesis: A Study of the Compatibility of the Indole-2,3 Quinodimethane Strategy for the Synthesis of 16-Methoxy-Substituted Aspidosperma-Type Alkaloids. Synthesis of (+)-and (-) 16-Methoxytabersonine", 1988, pp. 2242-2248, Vol. 110, J. Am Chem. Soc.
	28.	Nino et al., "Methods and Compositions for ATP-Sensitive K. sup. + Channel Inhibition for Lowering Intraocular Pressure", 1999, Database USPT on WEST.
	29.	E. L. Eliel et al., "Chirality in Molecules Devoid of Chiral Centers", 1994, pp. 1119-1190, Stereochemistry of Organic Compounds.
	30.	S. M. Berge et al., "Pharmaceutical Salts", 1977, pp. 1-19, Vol. 66, J. of Pharmaceutical Sciences.

Examiner
Signature

Date
Considered

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